

URBAN RENEWAL PLAN  
FAIRFIELD

DISCLAIMER:

The following document has been prepared in an electronic format which permits direct printing of the document on 8.5 by 11 inch dimension paper.

If the reader intends to rely upon provisions of this Urban Renewal Plan for any lawful purpose, please refer to the ordinances, amending ordinances and minor amendments relevant to this Urban Renewal Plan.

While reasonable effort will be made by the City of Baltimore Development Corporation to maintain current status of this document, the reader is advised to be aware that there may be an interval of time between the adoption of any amendment to this document, including amendment(s) to any of the exhibits or appendix contained in the document, and the incorporation of such amendment(s) in the document.

By printing or otherwise copying this document, the reader hereby agrees to recognize this disclaimer.

**URBAN RENEWAL PLAN**

**FAIRFIELD**

DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT  
CITY OF BALTIMORE DEVELOPMENT CORPORATION  
BALTIMORE, MARYLAND

ORIGINALLY APPROVED BY  
THE MAYOR AND CITY COUNCIL OF BALTIMORE  
BY ORDINANCE NO. 04-810

October 6, 2004

## TABLE OF CONTENTS

	<u>Page</u>
A. <u>Project Description</u>	1
1. Boundary Description	1
2. Fairfield Ecological Business Park	1
B. <u>Urban Renewal Objectives and Goals</u>	1
C. <u>Land Use Plan</u>	2
1. Permitted Land Uses	2
a. General Industrial	2
b. Heavy Industrial	3
c. Non-Conforming	3
d. Non-Complying	3
e. Planned Unit Development	3
D. <u>Techniques Used to Achieve Plan Objectives</u>	3
1. Acquisition of Property	3
2. Other Remedies for Non-Compliance	4
3. Actions to be followed by the Department	4
4. Relocation	4
5. Public Improvements	5
6. Strict Enforcement	5
E. <u>Provisions Applicable to all Land to be Acquired</u>	5
F. <u>General Regulations, Controls and Restrictions</u>	6
1. Applicability	6
2. General Controls	6
a. Designation of Heavy Industrial Areas	6
(1) General Industrial	6
(2) Heavy Industrial	7
b. Bulk Regulations	7
c. Architectural Guidelines	7
d. Landscaping and Screening	7
e. Open Air Storage	8
f. Loading and Servicing	8
g. Signs	8
h. Wireless Telecommunications Facilities	8
i. Parking	9
j. Maximum Building Coverage; Minimum Open Space	9
k. Waste Disposal	9
l. Compliance	9
3. Standards for Redevelopment and Rehabilitation	9
a. Specific Requirements for Material Recycling Facilities	10
b. Issuance of Building and Occupancy Permits	10
4. Review of Development	10
a. Department of Housing and Community Development	10
b. Community Review	10

G.	<u>Interpretation</u>	11
H.	<u>Street Reservation and Dedication</u>	11
I.	<u>Term of Plan</u>	11
J.	<u>Zoning</u>	11
K.	<u>Procedures for Changes in Approved Plan</u>	11
L.	<u>Separability</u>	12
M.	<u>Penalty for Non-Compliance</u>	12

## TABLE OF CONTENTS

(continued)

Attachment A	The FIVE E's: Elements of a Good Neighbor	A-1
Attachment B	Declaration of the 5e's	B-1
Exhibit A	Land Use Plan	
Exhibit B	Property Acquisition	
Exhibit C	Land Disposition	
Exhibit D	Zoning Districts	



A. Project Description

1. Boundary Description

Beginning at the intersection of Hanover Street and Frankfurst Avenue and excluding the 36.94 acre property facing this intersection and known as Lot 1, Block 7042; thence running in a northerly direction to the mean high water line of the Patapsco River; thence running in an easterly direction and binding to the federal waterway line – bulkhead line around the perimeter of the Fairfield peninsula to Stonehouse Cove; thence following the centerline of Stonehouse Cove in a northerly direction to the intersection with Patapsco Avenue and Andard Avenue extended to its intersection with East Patapsco Avenue; thence binding in a northwesterly direction to the eastern most boundary of W25, S8, B7274-A, Lot 1; thence running along existing westerly boundary of rail right-of-way line to the intersection with the centerline of Chesapeake Avenue; thence running in a westerly direction to the intersection of Hanover Street and Chesapeake Avenue; thence running in a northerly direction along the centerline of Hanover Street to the point of beginning.

2. Fairfield Ecological Business Park

The objective of the business park is to create a business environment that attracts and retains environmentally responsible companies. This will help to enhance area property values, protect neighboring businesses and communities, and avoid business practices that could present environmental liabilities, ecological damages or public health risks. Environmentally responsible development will encourage further business development and foster a positive relationship with local communities.

There are a variety of ways a business can demonstrate environmental responsibility and stewardship. Attachment A describes 5 categories, THE FIVE E's, that include examples of these activities. These categories have no formal regulatory purpose; they are provided as guidelines. Business that operates in accordance with these activities has, or will have, shown themselves by their actions to be environmentally responsible organizations.

B. Urban Renewal Objectives and Goals

The objectives of the Fairfield Urban Renewal Plan (referred to as “Plan”), as determined by the Mayor and City Council of Baltimore (referred to as “City”), acting by and through the Department of Housing and Community Development (referred to as “Department”), and the Commissioner (referred to as “Commissioner”) are as follows:

1. to promote environmentally responsible industrial business development in the Project Area and provide employment opportunities for City residents.
2. to facilitate redevelopment of vacant or underutilized land for industrial/ business use.

3. to acquire certain properties within the Project Area in order to assemble redevelopment parcels and to provide standards and controls for their redevelopment.
4. to remove blighting influences or uses, and discourage development in substantial non-compliance with the provisions of this Plan and to discourage and remedy the existing problems associated with illegal dumping in the Project Area.
5. to assure consistent development with existing industrial business in the Project Area by requiring that all plans for new development, exterior rehabilitation or demolition be reviewed and approved as conforming with the objectives of this Plan.
6. to establish a positive and identifiable image for the Project Area to encourage private investment and to protect property values.
7. to maximize employment retention and expansion.

C. Land Use Plan

1. Permitted Land Uses

Only the use categories shown on the Land Use Plan, Exhibit A, are be permitted within the Project Area. These are General Industrial and Heavy Industrial. Accessory uses (uses incidental and subordinate to and serving the principal use) including landscaping, off-street parking, and loading are permitted. In addition, present non-conforming and non-complying uses will be permitted to continue, subject to the provisions of C.1.c and C.1.d.

a. General Industrial

In the area designated as “General Industrial” on the Land Use Plan, uses shall include those allowed under the underlying zoning classifications of the Zoning Code of Baltimore City, except for the following uses:

Prohibited Uses – General Industrial:

- Alcoholic beverages – Taverns – including live entertainment and dancing
- Alcoholic beverages – Taverns – no live entertainment or dancing
- Amusement devices in combination with certain other uses – no more than 5
- Animal facilities – animal hospitals, dog and cat kennels: private, facilities for pets, wild animals, pet shops
- Atomic reactors

- Auction rooms
- Building/lumber material sales establishments with shops & yards
- Community correction centers
- Day care facilities – day care nurseries, and nursery schools
- Food establishments and products - Catering establishments, milk and dairy products – processing and distribution
- Hall, auditoriums – auditoriums
- Health and medical facilities – clinics: medical and dental, massage therapists offices, substance abuse treatment centers
- Heliports
- Helistops
- Hotels and motels
- Machines, business and office, used – sales, rental and service
- Marine terminals – passenger
- Motor vehicles – rental
- Penal and correctional institutions
- Public utilities – bus and transit passenger stations and terminals; antenna towers, microwave relay towers, and similar installations for communications transmission or receiving (except as a conditional use with Board approval)
- Recreational facilities- athletic fields: nonprofit or publicly owned, athletic fields: public or private, recreation buildings and community centers: public or private
- Stables for horses
- Undertaking establishments and funeral parlors
- Vending machines – for the retail sales of ice and milk
- Waste disposal ( including garbage) – for land fill and land reclamation

b. Heavy Industrial

In the area designated “Heavy Industrial” on the Land Use Plan, uses shall include those permitted under the underlying zoning classification of the Zoning Code of Baltimore City. In addition to the prohibited uses cited in the previous section under General Industrial, the following uses are prohibited:

Prohibited Uses – Heavy Industrial:

- Abattoirs
- Arsenals
- Explosives – manufacturing and storage
- Motor vehicles -Auto dismantling or scrapping, rental



- Public utilities – bus and transit passenger stations and terminals; antenna towers, microwave relay towers, and similar installations for communications transmission or receiving (except as a conditional use with Board approval)

c. Non-Conforming

A non-conforming use is any lawfully existing use of a building or other structure, or of land, which does not conform to the applicable use regulations of the district in which it is located according to Title 13 of the Zoning Code. Non-conforming uses shall be permitted to continue subject to the provisions of said Title 13, titled “Non-Conformance”.

d. Non-Complying

A non-complying structure, as set forth in Title 13 of the Zoning Code is any lawfully existing structure, which does not comply with the bulk regulations of the zoning district in which it is located. These non-complying structures shall be permitted to continue subject to the provisions of said Title 13.

In addition, a non-complying use, when such term is used herein, is any lawfully existing use of a building or other structure, or of land, which does not comply with the land use regulations of this Plan. These non-complying uses shall be permitted to continue on such entire parcel of land, whether present or future, for an indefinite period of time, except that:

- (1) Any non-complying land use, which is discontinued for a period exceeding 12 months, shall not be reestablished;
- (2) No non-complying land use shall be changed to any other non-complying land use.

e. Planned Unit Development

If a Planned Unit Development (PUD) is approved by the Mayor and City Council, that PUD becomes the controlling land use document. If there are conflicts between the PUD and this Plan, the PUD governs.

D. Techniques Used to Achieve Plan Objectives

1. Acquisition of Property

Properties designated for acquisition on Exhibit B (including parts thereof or interests therein) will be acquired by purchase or condemnation. Excluded from acquisition by condemnation shall be those properties designated for acquisition on Exhibit B, which are zoned and occupied exclusively for residential use.

It may be necessary to acquire by purchase for urban renewal purposes, the fee simple interest or any lesser interest in and to such of the properties or portions thereof in the Project Area not specifically designated in this Plan as may be deemed necessary and proper by the Commissioner to effect the proper implementation of this Plan. This may include:

- a. Any property in the Project Area containing a non-salvable structure, i.e., a structure that, in the opinion of the Commissioner cannot be economically rehabilitated.
- b. Any privately owned structure in the Project Area, which the owner intends to rehabilitate or demolish in a manner not in substantial conformity with the objectives of this Plan.
- c. Any property, the owner of which is unable or unwilling to comply or conform to the property rehabilitation standards set forth in this Plan within 12 months from the date of written notice of the required improvements. The Department, after due consideration that the property owner has failed to achieve substantial conformity with the property rehabilitation standards may acquire such property pursuant to the Eminent Domain Law of this State as if the property had originally been planned for acquisition after 90 days written notice to the owner. The Department reserves the right to acquire any such non-complying property for a period of two years from the date of said written notice by the Department.

## 2. Other Remedies for Non-Compliance

In addition to, and not in place of, the remedy of acquisition by purchase or condemnation of non-complying properties, the Department may correct code violations and place a lien against the property in accordance with the provisions of Section 303 of the Housing code of Baltimore City as adopted by Ordinance 902 approved December 22, 1966, as it may be subsequently amended.

## 3. Actions to be followed by the Department upon Acquisition of Properties

- a. Rehabilitate the property in conformance with the codes and ordinances of Baltimore City and the General Regulations, Controls and Restrictions set forth in this Plan and dispose of property in accordance with applicable regulations. If sale cannot be consummated by the time rehabilitation is accomplished, property may be rented pending continuing sale efforts; or
- b. Sell or lease the property subject to rehabilitation and/or maintenance in conformance with the codes and ordinances of Baltimore City and the General Regulations, Controls and Restrictions set forth in this Plan; or
- c. Demolish the structure or structures thereon and dispose of the land for redevelopment uses in accordance with this Plan; or

- d. Devote the property and/or structures to a public use consistent with this Plan.

4. Relocation

- a. The Department assures that before individuals or families are displaced from their dwelling units due to the requirements of this Plan, standard housing within the displacees' financial means shall be provided.
- b. The Department assures that before firms or individual businesses are displaced from their present location of operation due to the requirements of this Plan, standard commercial structures within the displacees' financial means, in or near the Project Area, may be identified. Businesses displaced because of the requirements of this Plan may be given favorable consideration, but not necessarily priority, by the Department in the review of commercial and industrial redevelopment proposals for properties within the communities of Brooklyn or Curtis Bay over which the Department has direct control.

5. Public Improvements

It is the intent of this Plan to provide public improvements within public areas to enhance and to complement and encourage private renovation. Such improvements may include, but shall not be limited to, street and utility improvements, public pedestrian walkways, lighting, landscaping, and signage.

6. Strict Enforcement

Strict enforcement of littering and illegal dumping will be conducted within the Project Area. To that end, for any offense committed within the Project Area that is subject to an environmental citation under Article 1, S40-14 under the Baltimore City Code, the basic pre-payable fine specified in Article 1, S40-14 (e) (4) [Article 23. Sanitation] and 40-14 (e) (7) (Title 7: Waste Control) of the Baltimore City Code, is doubled. The amount of doubled fines may not exceed \$1,000 for each separate offense.

E. Provisions Applicable to all Land to be Acquired

Over and above the codes and ordinances of Baltimore City, the following regulations, controls, and restrictions will be implemented where applicable by covenants or other provisions in the agreements for land disposition and instruments of conveyance executed pursuant thereto.

- 1. Land and property interest now owned or to be acquired by the City within the Project Area will be disposed of by sale, lease, conveyance, transfer or other means available to the City, in accordance with Exhibit B, "Property

Acquisition,” Exhibit C, “ Land Disposition,” and the other provisions of this Plan.

2. The properties shown as available for disposition on Exhibit C are schematic and approximate, and the Department shall have the right, in its discretion, to fix their precise boundaries and size. The Department shall also have the right, in order to facilitate the most advantageous development of the Project Area, to subdivide or combine the disposition lots.
3. The Redeveloper will not enter into, execute, or be a party to any covenant, agreement, lease, deed, assignment, which restricts the sale, lease, use or occupancy of the property, or any part thereof, or any improvements placed thereon, upon the basis of national origin, race, religion, sex, or color. Such agreement or covenant providing for this nondiscrimination provision shall remain in effect without limitation as to time; and the United States shall be deemed a beneficiary of the agreement or covenant providing for this no discrimination provision and shall be entitled to enforce it. The Redeveloper will comply with all State and local laws, in effect from time to time, prohibiting discrimination or segregation.
4. Disposition Lot Controls

In addition to the requirement for review of all plans for new construction and rehabilitation as required by Section F.4. of this Plan, the following disposition lot controls shall apply to the disposition lots identified on Exhibit C.

Disposition Lot	Current Land Use	Proposed Development	Zoning
1	Industrial	Redevelopment for industrial use	M-3
2	Industrial	Redevelopment for industrial use	M-3
3	Industrial	Redevelopment for industrial use	M-3
4	Industrial	Redevelopment for industrial use	M-3
5	Industrial	Redevelopment for industrial use	M-3
6	Industrial	Redevelopment for industrial use	M-3
7	Industrial	Redevelopment for industrial use	M-3

F. General Regulations, Controls and Restrictions

1. Applicability

The following controls shall apply to all new construction and, where appropriate, to the rehabilitation of existing structures within the Project Area. Substantial compliance herewith shall be a condition precedent to the issuance of a building permit.

## 2. General Controls

### a. Designation of Heavy Industrial

It is the intent of this Plan to maintain and enhance the peninsula as an industrial and port-related employment area and to protect it from the influences of non-industrial and incompatible uses. This Plan designates two sub-areas within the Project Area (General Industrial and Heavy Industrial ) as shown on Exhibit A.

Fugitive Particulate Matter Emissions: In the General Industrial, a condition of issuance of a building and occupancy permit will require that the proposed business shall control fugitive particulate matter emissions that may result from:

- Unpaved roads and/or parking lots;
- Grading activities;
- Demolition activities;
- Open aggregate piles consisting of material finer than two hundred mesh size equal to or greater than one percent by weight, as determined by the American Association of State Highway and Transportation Officials Test Method T27-74, or equivalent procedures acceptable to the Department of Public Works;
- Outdoor conveying, transfer, and transportation of aggregate material; and
- Material handling operations such as crushing, grinding, screening, and mixing.

The proposed business shall submit for approval by the Department a plan proposing appropriate fugitive particulate matter control measures, which may include, but is not limited to:

- Paving unpaved roads or parking lots
- Spraying with water, the frequency of application shall be on an as-needed basis
- Application of suitable and effective dust suppressants on an as-needed basis
- Enclosing the operation or the facility
- Exhausting the emissions to particulate control equipment
- Acceptable equivalent alternate measures

A business will be in compliance with this section if it submits a copy of its documentation from the appropriate local, state, and federal authorities

that attests to the approval of its fugitive particulate matter control measures that comport with mandates of the applicable federal, state, and local laws.

(1) General Industrial (as shown on Exhibit A)

It is the intent of this Plan to maintain and enhance the General Industrial area primarily as a port-related, industrial and service employment area and to protect many of the current uses in the sub-area that are sensitive to the effects of particulate pollutants. Uses that generate emissions or fugitive dust that would result in particulate deposition in Development Area A are prohibited or subject to conditions described in this section.

(2) Heavy Industrial (as shown on Exhibit A)

It is the intent of this Plan to maintain and enhance Heavy Industrial as a heavy industrial area. .

b. Bulk Regulations

All uses shall comply with the Bulk Regulations for the M-3 Industrial District as contained in Chapter 7 of the Zoning Code of Baltimore City, which states that the maximum floor area ratio shall not exceed 6.0.

c. Architectural Guidelines

The architectural guidelines are intended to produce a contemporary character, integrated into the mix of existing structures, and establishing an identity for the area. All proposed new construction or major rehabilitation of structures is encouraged to incorporate these guidelines. The following are recommended guidelines for principal and accessory structures:

- (1) Siting and Massing – The most highly visible and publicly accessible portions of the site, such as offices and reception areas, should be accented.
- (2) Materials – Exterior building materials should support the character of the Project Area and withstand natural elements without excessive discoloration or fading, such as brick, masonry stone, metal, and glass. Corrugated metal, plastic, and cinder block are discouraged.
- (3) Roofs – Repetitive modular roof forms that give a distinctive skyline to the Project Area are encouraged, including parapet walls, where necessary, to screen mechanical equipment from public view.

- (4) Windows – The use of fenestration to break down the scale of large buildings is encouraged.

d. Landscaping and Screening:

The intent of the landscape regulations are to provide green space to soften the environment in the Project Area, enhance the appearance of site and building entrances, and screen or buffer specific uses and activities. The following landscape requirements apply throughout the Project Area unless complete site coverage is required pursuant to a federally or state approved remedial action plan:

- (1) All parking, loading, and service areas must be buffered from a public right-of-way by landscaping, berms, and/or fencing combined with landscaping. The buffer area must be a minimum ten-foot wide and any fencing shall be a maximum of six feet high. Material for fencing should be black vinyl, or other appropriate material. A minimum of one tree shall be provided per 40 linear feet of dedicated public roadway. The remainder of the buffer area must be covered with shrubs, groundcover, grass, or other approved landscape treatment. The planting areas must be protected by curbing or wheel stops. The landscaping must not obscure sight distance at points of access and intersections.
- (2) Principal site and building entrances shall be accentuated with landscaping.

e. Open Air Storage:

Existing open-air storage of all materials, equipment, and merchandise must be appropriately screened within five years of adoption of this Plan. Open-air storage of equipment, merchandise and materials is prohibited except as specifically authorized in writing by the Department. Screening of open outdoor storage areas must be done to minimize the visibility from the public way. A minimum 6-foot fence and/or landscaping must be provided.

f. Loading and Servicing:

Loading docks will be provided and maintained in accordance with the Building Code of Baltimore City. No exterior loading dock shall be located facing a public right-of-way; if such provisions are not feasible, appropriate screening will be required as described in Section F.2.d (1). All loading and servicing shall be accommodated entirely within the lot lines. Any legally operating business as of the date of adoption of this Renewal Plan will be exempt from this provision.

g. Signs:

Signs shall be permitted and maintained in accordance with the provisions contained in Chapter 10 of the Zoning Code of Baltimore City. No more than two signs are allowed for each business. Location of the two permitted signs will be generally limited to the building façade, and at the primary entrance drive to the building. Buildings located on corner sites will be allowed to have an additional façade sign on the façade facing the side road.

- (1) The sign on the primary drive shall be a freestanding monument sign and may be located near the site entrance. The copy may identify the name of the business, type of business, logo and the street address. The size of the sign shall not exceed 8' x 4' or 32 square feet.
- (2) No sign shall extend above the roofline or parapet wall of the building to which it is attached; no sign shall project more than 12 inches from the building to which it is attached. Roof top signs, signs above the parapet of a building, or other outdoor advertising signs shall not generally be permitted. Moving or flashing signs are not permitted.
- (3) On-site directional signs (exit, parking, no parking, delivery, etc.) shall relate to the signing system established for the building sign and the primary drive sign, i.e., similar materials, colors and lettering. The size of sign shall not exceed 1'-3" x 1'-8".
- (4) All signs not conforming to the above regulations shall be removed by the property owner within two years from the date of enactment of this Plan.
- (5) Increases in area and height of general advertising signs (billboards) are prohibited.

h. Wireless Telecommunications Facilities, Communications Towers, and Antennae:

Under the provisions of this Plan, these installations require approval by the Board of Municipal and zoning Appeals (See Sections C.1.a. (1) and C.1.b. (1). All applications for permits must include an environmental assessment and environmental impact statement using the FCC format.

- (1) Tower Operator/Owner shall allow other future wireless service companies, including public and quasi-public agencies, using functionally equivalent private equipment and wireless technology to co-locate antennae, equipment and facilities on a telecommunications facility unless specific technical constraints



prohibit said co-location.

- (2) Applicant and other private wireless carriers shall provide a mechanism for the construction and maintenance of shared facilities and infrastructure and shall provide for equitable sharing of cost in accordance with industry standards.
- (3) Landscaping and screening guidelines should be followed as described in Section F.2.d.
- (4) If a communications tower or antennae remains unused for a period of one hundred eighty days (180), then the property owner or operator shall dismantle and remove the communications tower. Removal shall be completed thirty (30) days after the expiration of the one hundred eighty day (180) period.
- (5) On each twelve month anniversary of the communications tower's erection, the operator/or owner shall provide to the City's Building Code official a certificate attesting that the tower is structurally sound.

i. Parking:

Off-street parking spaces shall be provided in accordance with the provisions contained in Chapter 9 of the Zoning Code of Baltimore City, except that no parking spaces shall be located within ten feet of a front lot line or a side lot line adjoining a public right-of-way. All parking lots, access roads and driveways shall be paved with a dust free surface.

j. Maximum Building Coverage; Minimum Open Space:

The Floor Area Ratio (FAR) shall not exceed 6.0. At least 20% of such lot area shall be open space unless complete site coverage is required pursuant to a federally or state approved remedial action plan. All parking, circulation, loading and service areas must be provided within the lot lines.

k. Waste Disposal:

Facilities will be provided and maintained within structures for the storage and collection of refuse. No waste disposal facilities or containers should be visible from a public right-of-way. No waste or refuse shall be permitted to remain outside of structures, except as permitted by the Baltimore City regulations regarding containers for garbage; the areas for such containers shall be properly screened.

l. Compliance:

Upon receiving a request in writing, the Commissioner, from time to time, may waive compliance with one or more of the foregoing general controls if it is determined by the Commissioner that the granting of such waiver shall further the objectives of this Plan or enable compliance with a requirement of federal or state law. The waiver shall be granted in writing.

3. Standards for Redevelopment and Rehabilitation

Property redevelopment and rehabilitation shall comply with the codes and ordinances of the City of Baltimore, including Critical Area Management Plan (CAMP), Designated Habitat Protection Areas, Maryland Department of the Environment's Brownfield's Voluntary Clean-Up Program, Forest Conservation, Marina Master Plan, and Stormwater Management.

a. Specific Requirements for Existing Material Recycling Facilities, Junkyards, and Scrap Yards

All existing material recycling uses are required to store and handle all materials within an enclosed building or effectively screen them from public view by a fence and landscaping within two years from the effective date of this Plan, unless extended by the Commissioner. Thereafter, all work shall be completed in accordance with the date of completion set forth in the notice from the Commissioner. However, the Commissioner may waive compliance with this requirement if such waiver is determined by the Commissioner not to adversely affect the objectives of this Plan. If the City and a property owner have entered into an agreement in respect to the rehabilitation of that owner's building(s), then compliance with the requirement hereinabove set forth shall be waived by the Commissioner, provided that the Commissioner determines that such waiver does not adversely affect the objectives of this Plan. Nothing herein shall be construed to permit any sign, construction, alternation, change, repair, use or any other matter otherwise forbidden or restricted or controlled by any other public law.

b. Issuance of Building and Occupancy Permits

A proposed business shall submit information requested under the Declaration of the 5e's to help achieve the goals and objectives of this Plan. Review of the Declaration will be coordinated by the Baltimore Development Corporation. Submission of the Declaration will be a condition of the issuance of a building and occupancy permit by the Commissioner.

4. Review of Development

a. Department of Housing and Community Development

The Department specifically reserves the right to review and approve the plans and specifications for development or rehabilitation with respect to their conformance with the provisions of this Plan and in order to achieve harmonious development of the Project Area. The Department also reserves the right to refuse to approve any such drawings, plans or specifications that are not suitable or desirable, in its opinion, for aesthetic or functional reasons; and in so passing upon such drawings, plans and specifications, it shall have the right to take into consideration, but shall not be limited to, the suitability of the site plan, architectural treatment, building plans, elevations, materials and color, construction details, access, parking, loading, landscaping, identification, signs, exterior lighting, refuse collection details, streets, sidewalks and the harmony of the plans with the surroundings.

The Department will fully utilize the City's Design Advisory Panel to work with developers in the achievement of high quality site, building, and landscape design.

b. Community Review

The Department of Housing and Community Development shall submit to the Brooklyn and Curtis Bay Coalition, Inc. and the South Baltimore Community Advisory Panel, or its successors, for its review and comment of the form and content of all significant development proposals within the Fairfield Urban Renewal Area. Significant development proposals are those which: propose new construction, propose substantial exterior renovation, propose changes to zoning districts or amendment to this Plan, or all proposed demolition of any structure except insignificant elements or additions. Information requested under the Declaration of the 5e's shall also be provided for review by the community organizations.

These representative groups shall advise the Department of their recommendations regarding the acceptability and/or priority of all plans and proposals. The written comments by the community organizations shall be transmitted to the Department no later than four (4) weeks after the proposals and/or plans have been submitted to the appropriate community organizations; otherwise, it is presumed that the proposals and/or plans are acceptable. Where public health and safety dictate, the Commissioner may issue permits without regard to these Community Review procedures. The commissioner of the Department of Housing and Community Development retains the final authority to approve or disapprove all plans and to grant or withhold development priorities, disposing of redevelopment land through procedures established by the Department of Housing and Community Development.

G. Interpretation

In the event of any question regarding the meaning of these standards and controls or other provisions of this Plan, the Commissioner's interpretation is final and binding, as long as that interpretation is not unreasonable or arbitrary. Developers are required to acknowledge and agree to this rule.

Whenever a provision of this Plan refers to any part of the City Code or to any other law, the reference applies to any subsequent amendment of the law referred to, unless the referring provision expressly provides otherwise.

H. Street Reservation and Dedication

The City reserves unto itself all of its right, title, and interest in and to the beds of all streets, alleys, avenues, or lanes herein mentioned and referred to, subject, however, to use in common as private ways, until said streets, alleys, avenues, and lanes are expressly dedicated to public use. All references herein to any street, alley, avenue, or lane are for purposes of description only and are not intended to dedicate same to public use, and any implied intent of dedication or dedication of the streets, alleys, avenues or lanes by reference to them is hereby denied and revoked.

I. Term of Plan

This Plan, as it may be amended from time to time, shall remain in full force and effect for a period of 40 years from the date of original adoption of this Plan by ordinance of the Mayor and City Council of Baltimore.

J. Zoning

All appropriate provisions of the Zoning Code of Baltimore City shall apply to properties in the Project Area. Any change in the Zoning Code embodied in this Plan shall be approved by ordinance in accordance with the procedural requirements of the Zoning Code and Article 66-B of the Annotated Code of Maryland, as amended.

K. Procedures for Changes in Approved Plan

The Department shall submit to appropriate community associations representing the residents of the Project Area, Brooklyn, and Curtis Bay, Bay including the South Baltimore Community Advisory Panel or its successors, all proposed amendments to this Plan no later than the time the proposed amendments are submitted to the Director of the Department of Planning by the Department.

The written comments and recommendations of these groups shall be transmitted to the Department no later than three weeks after they have been submitted to the groups; otherwise, it is presumed the changes are satisfactory.

Prior to passage of any ordinance amending this Plan, a public hearing shall be held and these groups shall receive, at least 15 days prior to such hearing, written notice of the time and place of said hearing. With respect to any land in the Project Area previously disposed of by the City for use in accordance with this Plan, the then owner of such land,

whose interests therein are materially affected by such changes, shall receive, at least ten days prior to such hearing, written notice of the time and place of such hearing and information as to where a copy of the proposed amendments may be inspected.

L. Separability

In the event it be judicially determined that any word, phrase, clause, sentence, paragraph, section or part in or of this Plan, or the application thereof to any person or circumstances is invalid, the remaining provisions and the application of such provisions to other persons or circumstances shall not be affected thereby, it being hereby declared that the remaining provisions of this Plan without the word, phrase, clause, sentence, paragraph, section or part, or the application thereof, so held invalid would have been adopted and approved.

M. Penalty for Non-Compliance

Any person violating the provisions of the ordinance approving this Plan shall be subject to a fine not exceeding Five Hundred Dollars (\$500.00) and that each day's violation shall constitute a separate offense. This ordinance may also be enforced by injunction.

## ATTACHMENT A

### THE FIVE E's: ELEMENTS OF A GOOD NEIGHBOR

The Five E's rationale for a "good neighbor" policy is to establish guidelines that will help to protect area property values and ensure that neighboring businesses and communities are not subjected to business practices that could present environmental liabilities, ecological damage, or public health risks. Good business neighbors will ensure the aesthetic quality of the site, thus encourage further business development. Finally, good neighbor business policies will foster a positive relationship with the local communities, allowing communities businesses to prosper.

Activities or programs within the following five areas, known collectively as the Five E's, demonstrate an existing or emerging environmental ethic: (1) Environmental Achievement; (2) Environmental Leadership; (3) Environmental Management; (4) Environmental Community Outreach; and (5) Environmental Commitment.

There are a variety of ways a business can demonstrate an existing or emerging environmental ethic within each area. Among these five areas, no one area is any more important than another in defining an emerging or existing environmental ethic. **Environmental responsibility can be indicated by one or more of the following categories; businesses do not need to demonstrate all the attributes listed below to meet a criterion.**

#### (1) Demonstration of **Environmental Achievement**

Environmental achievement starts with compliance with local, state, and federal environmental regulations and can extend to performance that surpasses these requirements. Environmental achievement is comprised of a range of business activities that integrate environmental thinking into traditional business functions such as planning, research, marketing, purchasing, process controls and maintenance. A business does not need to demonstrate all the attributes listed below to meet this criterion.

Examples of Environmental Achievement activities could include:

- Resource Efficiency,
- Environmental Compliance,
- Plans/Schedule to Achieve Compliance including turnaround environmental performers,
- State-of-the-Art Processes and Controls,
- Product Stewardship,
- Emergency Preparedness/Prevention,
- Research and Development.

#### (2) Demonstration of **Environmental Leadership**

Environmental leadership entails either striving for superior environmental performance within one's plant/division . A business does not need to demonstrate all the attributes listed below to meet this criterion.

Examples of Environmental Leadership activities could include:

- Mentoring/Recruitment,
- Recognition of Environmental Leadership,
- Procurement,
- Product Line.

(3) Demonstration of **Environmental Management**

Environmental management is a combination of organizational structures and policies that help integrate environmental responsibility into the culture of the company. Environmental management structures and policies demonstrate that environmental performance is an accepted part of a business and the responsibility of all employees. A business does not need to demonstrate all the attributes listed below to meet this criterion.

Examples of Environmental Management activities could include:

- Environmental Policy, Planning, or Implementation,
- Audit/Corrective Action,
- Management Review,
- Incentives.

(4) Demonstration of **Environmental Community Outreach**

Being a part of a community involves interacting with neighboring property owners and giving back to the community of which the business is a part. Environmental community outreach helps to build relationships among community residents and neighboring businesses by opening and maintaining lines of communication. In addition to sharing information and views, environmental community outreach may also incorporate sharing resources (e.g., time and money) to enhance the quality of life in the community. A business does not need to demonstrate all the attributes listed below to meet this criterion.

Examples of Environmental Community Outreach activities could include:

- Community Investment,
- Environmental Education/Outreach,
- Public Access to Information,
- Public Dialogue.

(5) Demonstration of **Environmental Commitment**

An environmental ethic continually evolves as a business changes over time. Therefore, a business should not only be able to demonstrate its environmental ethic through current achievements, leadership, management, and community outreach, but also through a commitment to pursue and embrace this ethic in the future. A business does not need to demonstrate all the attributes listed below to meet this criterion.

Examples of Environmental Commitment activities could include:

- Can the business provide documentation to supports its: Environmental Achievement; Environmental Leadership; Environmental Management; and Environmental Community Outreach?
- Is the business willing to share this supporting documentation with the City?
- Will the business's management be willing to pledge to the accuracy of this supporting documentation?
- Will the business's management be willing to pledge to maintain and improve the business's environmental ethic within the five areas?
- Is the business willing to share this pledge with the community?
- Is the business willing to share this pledge and promote the goals and vision of the Fairfield Ecological Business Park with other businesses?



## ATTACHMENT B

### Declaration of the 5 E's: ELEMENTS OF A GOOD NEIGHBOR

Activities or programs within the following five areas, known collectively as the Five E's, demonstrate an existing or emerging environmental ethic: (1) Environmental Achievement; (2) Environmental Leadership; (3) Environmental Management; (4) Environmental Community Outreach; and (5) Environmental Commitment.

The Five E's rationale for a "good neighbor" policy is to establish guidelines that will help to protect area property values and to avoid business practices that could present environmental liabilities, ecological damage, or public health risks. A proposed business shall use the following checklist as guidance in demonstrating its environmental ethic. The written response/declaration will be reviewed during the community review process and prior to issuance of an operating permit.

#### Background information - Assessment of potential impact.

- A. Do/will you discharge wastewater under a National Pollutant Discharge Elimination System (NPDES) permit?
- B. Do/will you discharge wastewater to a Publicly Owned Treatment Works (POTW) under a pretreatment permit?
- C. Does/will your operation have air emissions under permit by Maryland Department of the Environment (MDE)/ Environmental Protection Agency (EPA)
- D. Do/will you generate hazardous waste; treat hazardous waste on-site; store hazardous waste on-site for more than 90 days; dispose hazardous waste onsite; reclaim hazardous waste on-site?
- E. Do/will you manage hazardous materials onsite (e.g., raw materials or supplies)? are or will your products or intermediate products be hazardous materials?

Provide a list of all local, state, local environmental permits required for your business.

Provide a copy of your Toxic Release Inventory (TRI) report (if the facility is a new operation in the urban renewal area, provide projections of anticipated releases).

Note: (In regard to providing information addressing the following 5-E's, if you are moving an existing operation/facility to the urban renewal area, provide information on that facility; if it is a new operation, provide information for the business organization under which this facility will be managed).

#### (1) Demonstration of **Environmental Achievement**

Has your facility/organization received Notices of Violation (NOVs) in the last three years? List NOVs. What management activities have you taken to eliminate NOVs for your facility/operations? Are there positive trends in NOV issuance that you can describe here?

Are your organization's environmental goals focused on (select all as appropriate):

- 1) Reacting to issues
- 2) Emergency preparedness
- 3) Compliance only
- 4) Emergency prevention, goal of no spills, or non-permitted releases
- 5) Pollution prevention
- 6) Energy efficiency
- 7) Resource reduction
- 8) Affirmative procurement
- 9) Product Life Cycle Analysis (Design of the Environment) for minimizing environmental impacts
- 10) Sustainability (please describe)
- 11) Other (Please describe, may be several other)

What activities has your facility/organization taken to improve environmental performance in the last three years (e.g., improvements to processes and control, elimination of waste/emissions/discharge or hazardous material)?

(2) Demonstration of **Environmental Leadership**

Is your product line designed and engineered for minimal impact on the environmental (by including life cycle analysis, waste management/pollution prevention initiatives, etc.)

Do you utilize recycled materials or products in your operations? (Please describe)

Does your company require suppliers to meet environmental performance improvements standards? (Please describe)

Has your organization been recognized for environmental leadership by the US EPA, state agencies, or non-governmental organizations? (Please describe)

Does your company participate in “Green” (environmentally-oriented) initiatives at the local, state, national, or international level? (Please describe)

Does your company mentor other companies (e.g., suppliers, neighbors) in environmental responsibility activities? (Please describe)

(3) Demonstration of **Environmental Management**

Please provide information regarding certification (i.e. International Organization of Standards ISO 9000, ISO 14000, etc.)

Is/will your operation be ISO 14001 certified (yes/no)

**(If yes skip the remainder of the questions for Part 3.)**

Will you commit to achieving ISO certification for this facility? (yes/no) (Describe efforts) **(If yes, skip the remainder of the questions for Part 3).**

Do you have a non-ISO 14001 Environmental Management System (EMS) in place?

(yes/no)? (is yes, describe). Indicate what components of and EMS are in place (select all as appropriate):

- A. Environmental Policy or Environmental Health and Safety Policy (attach a copy (may be used publicly);
- B. Environmental Planning and Goal setting:
- C. Environmental Roles and Responsibilities assigned and documented
- D. Environmental Management Communication Plan
- E. Environmental Awareness Program for all employees
- F. Environmental Management Document Control System
- G. Emergency Preparedness Program
- H. Audit program
- I. Deficiencies/Corrective Action Tracking System
- J. Management Reporting
- K. Environmental Performance Programs
  - 1) Water Releases
  - 2) Air Releases
  - 3) Water Minimization
  - 4) Energy Efficiency
  - 5) Solid Waste
  - 6) Hazardous Waste
  - 7) Hazardous Materials
  - 8) Pollution Prevention
  - 9) Remediation/Corrective Action
  - 10) Industrial Hygiene/Indoor air/other Occupational Health

(4) Demonstration of **Environmental Community Outreach**

Does your company currently participate as a member of a local neighborhood group and/or participates in providing community environmental education?

Has your facility/company made investments in the local community to assist or educate in environmental performance/enhancements?

Are you a member of, or would you commit to being a member of, the South Baltimore Community Advisory Panel (CAP)? The CAP (non-profit, volunteer entity) is a panel that serves as a forum for open discussion between business representatives, public agencies and local communities in southern Baltimore City and north Anne Arundel County. The objective of the panel is to provide a mechanism for discussion and education of the issues of concern for plant operations and communities.

(5) Demonstration of **Environmental Commitment**

Is your organization committed to continually improving environmental performance and addressing significant impacts to the environment, to the local residents and business, and to greater Baltimore's residents, business, and environment?

By signing this declaration, the company is willing to share this pledge with the community and promote the goals and vision of the Fairfield Ecological Business Park with other businesses and

communities. Declaration will be provided at time of application for building and occupancy permit.



# FAIRFIELD

DATE  
June 12, 2002  
July 1, 2004

REVISIONS

REVISIONS

EXHIBIT

A

## LAND USE PLAN

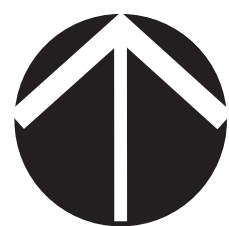
### LAND USE PLAN

#### LEGEND

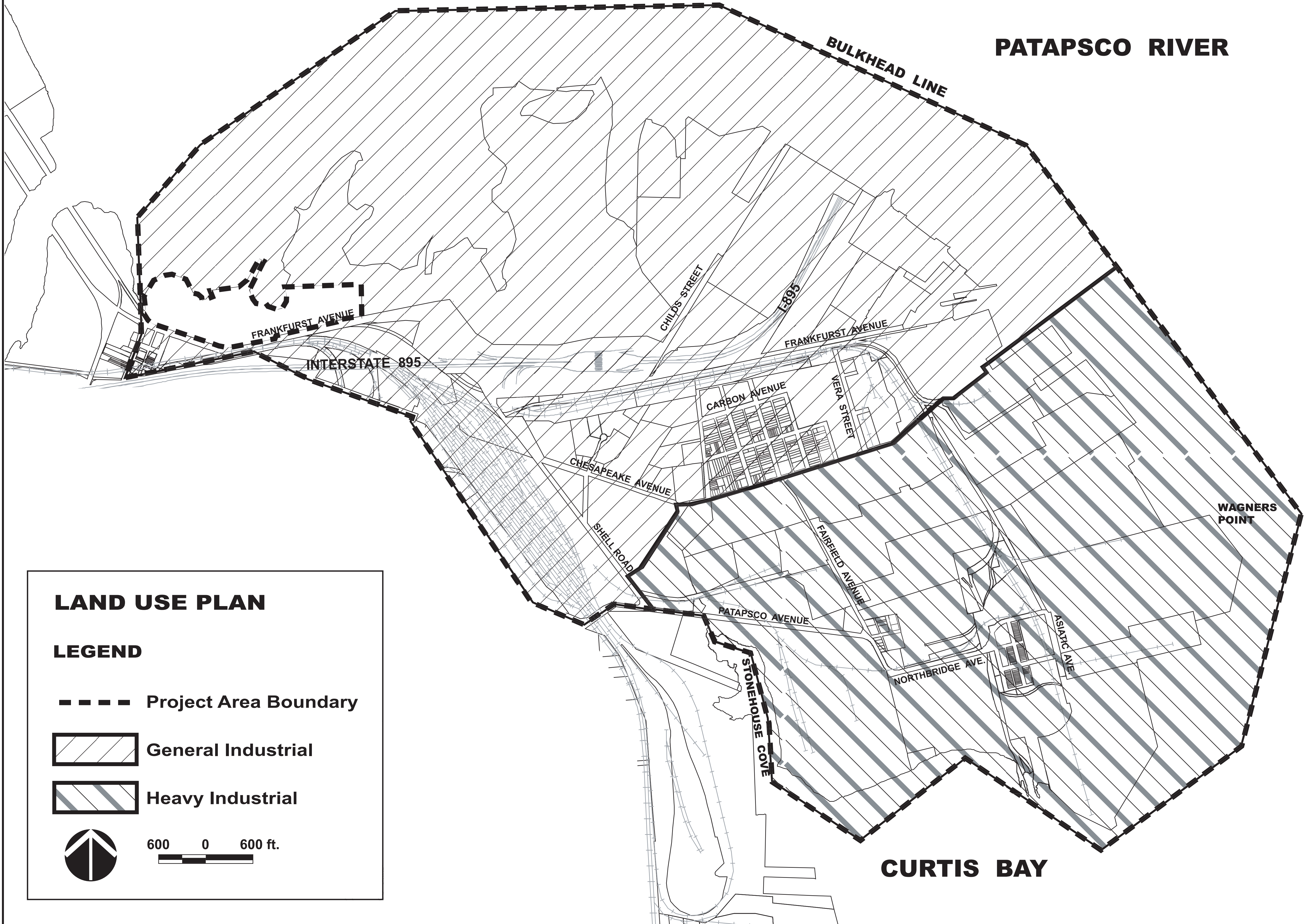
--- Project Area Boundary

 General Industrial

 Heavy Industrial



600 0 600 ft.





# FAIRFIELD

## PROPERTY ACQUISITION

DATE  
June 12, 2002  
July 1, 2004  
August 4, 2004

REVISIONS


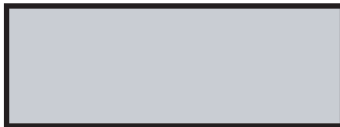

REVISIONS



EXHIBIT

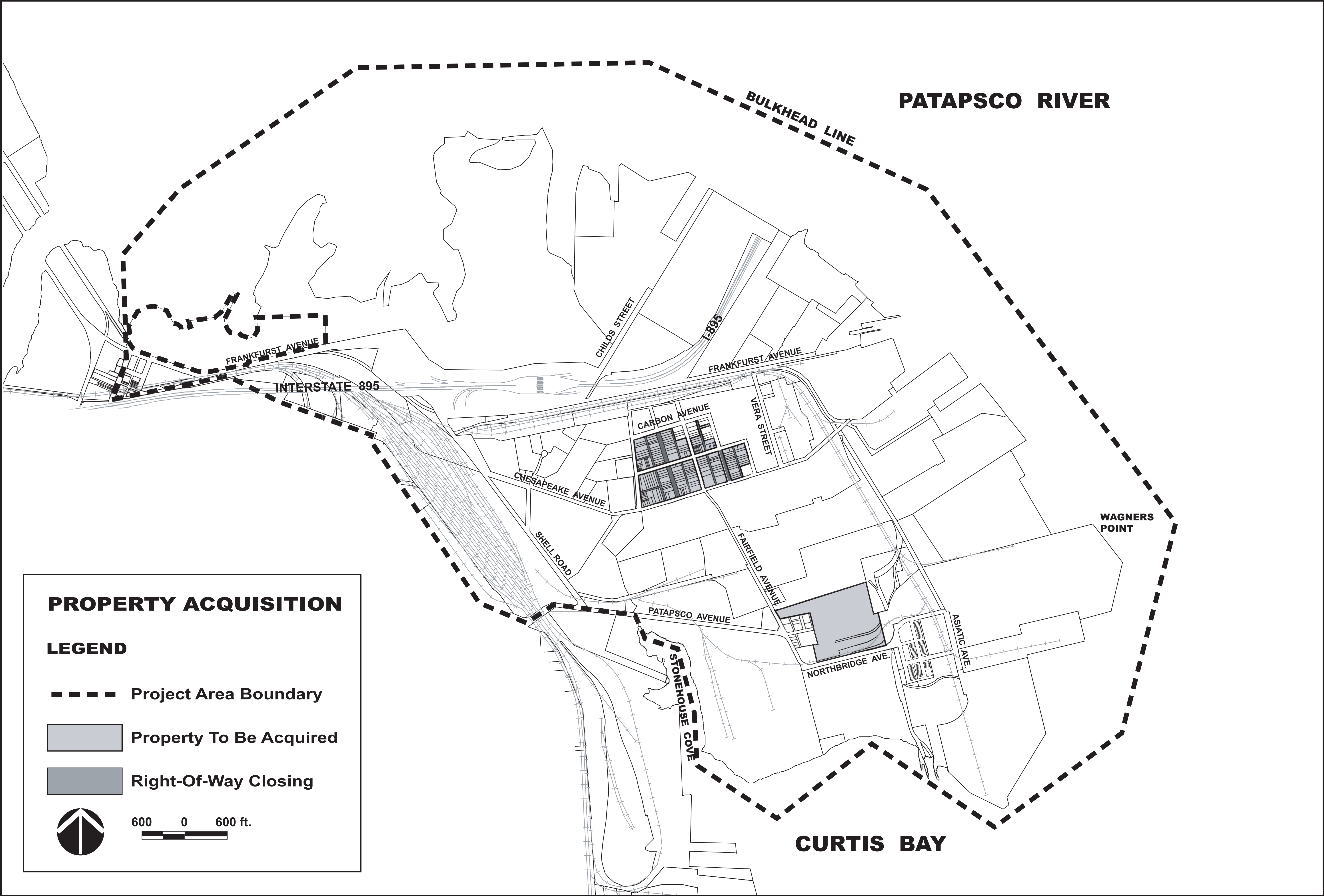


### PROPERTY ACQUISITION

#### LEGEND

-  Project Area Boundary
-  Property To Be Acquired
-  Right-Of-Way Closing







# FAIRFIELD

## LAND DISPOSITION

DATE  
June 12, 2002  
July 1, 2004  
August 4, 2004

REVISIONS

REVISIONS

EXHIBIT



### LAND DISPOSITION

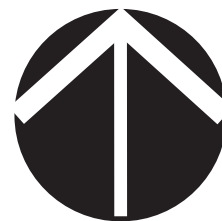
#### LEGEND

--- Project Area Boundary

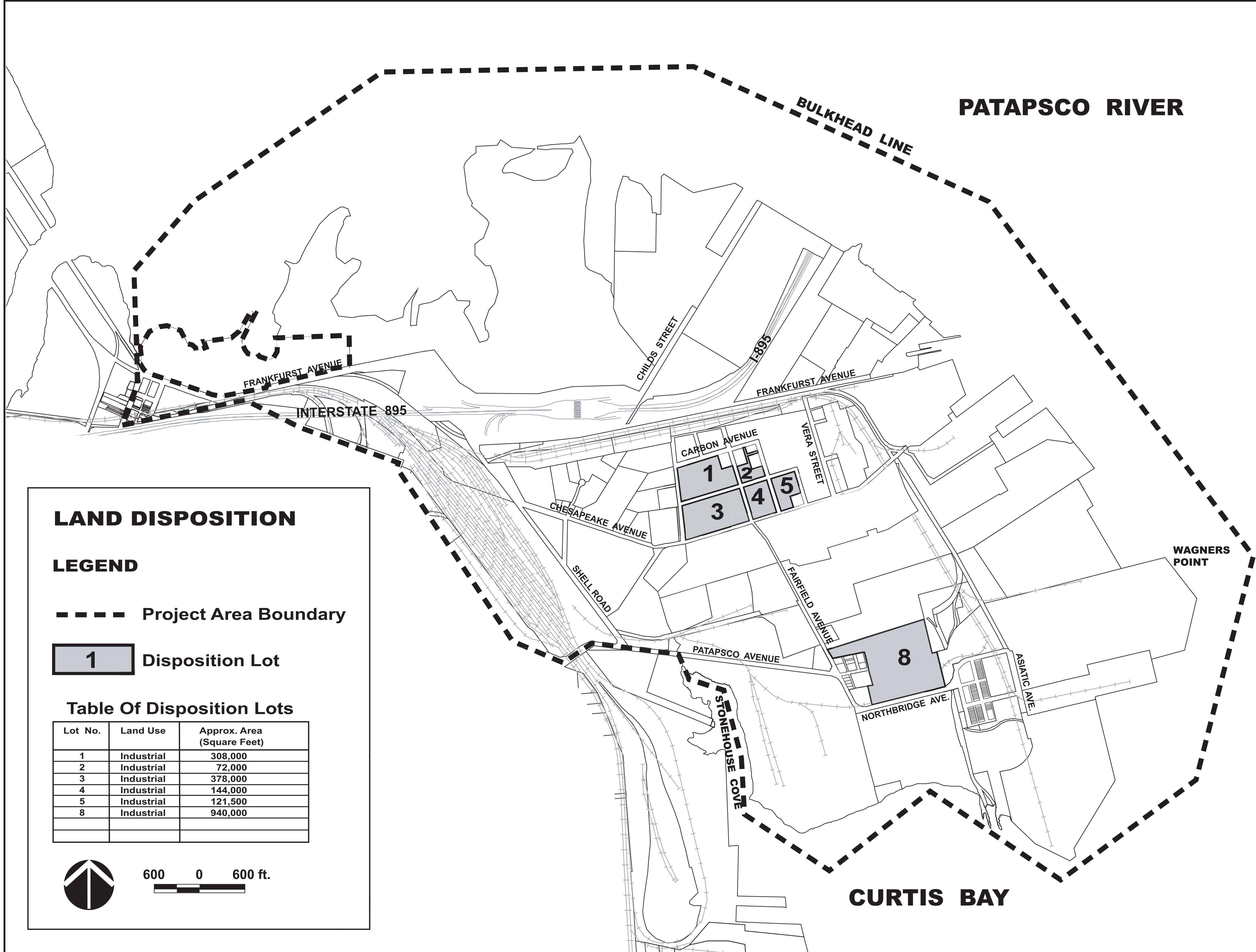
**1** Disposition Lot

Table Of Disposition Lots

Lot No.	Land Use	Approx. Area (Square Feet)
1	Industrial	308,000
2	Industrial	72,000
3	Industrial	378,000
4	Industrial	144,000
5	Industrial	121,500
8	Industrial	940,000



600 0 600 ft.





# FAIRFIELD

DATE  
June 12, 2002  
July 1, 2004

REVISIONS

REVISIONS



EXHIBIT

## ZONING DISTRICTS

### ZONING DISTRICTS

#### LEGEND

--- Project Area Boundary

#### EXISTING ZONING DISTRICTS

M-2-2 Industrial

M-3 Industrial

— Existing Zoning District Boundaries



600 0 600 ft.

